

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

UNITED STATES OF AMERICA )  
 )  
v. ) 2:06-cr-00045-RDP-JEO  
 )  
BENJAMIN MADISON )

**MEMORANDUM OPINION**

This matter is before the court on Defendant's motion to suppress the weapon that was seized from the vehicle he was driving when he was arrested. (Doc. #9). The court has considered the entire file in this action together with the Magistrate Judge's Report and Recommendation and has reached an independent conclusion that the Magistrate Judge's Report and Recommendation is due to be adopted and approved. The court hereby **ADOPTS** and **APPROVES** the findings and recommendation of the magistrate judge as the findings and conclusions of the court. In accordance with the recommendation, Defendant's motion to suppress the evidence is due to be denied to the extent the motion concerns the recovery of the firearm. To the extent Defendant seeks to preclude use of his statements in the Government's case-in-chief, the motion is due to be granted. The United States, however, shall not be precluded from using the statements for impeachment purposes. An appropriate order will be entered.

**DONE and ORDERED** this 21st day of June, 2006.



**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE